

AMBER BRINKLEY )  
 )  
v. ) No. 3-08-0850  
 )  
BRANAM ENTERPRISES, INC. )

<sup>1</sup> A previous settlement conference was held on January 16, 2009.

1) Each statement is to be furnished only to the Court and not to the other parties. The statements shall not be e-filed or otherwise filed with the Clerk of Court.

2) In their respective statements, counsel for the parties shall make a candid assessment of the strengths and weaknesses of each party's position in the case and shall give a good faith opinion (expressed as a percentage) of each client's probable success on the merits, and each client's probable success on the damages sought and/or relief requested by the plaintiff.

a) Plaintiff's statement shall contain an assessment from the plaintiff's viewpoint of her damages and the strengths and weaknesses of her position.

b) Defendant's statement shall contain an assessment of the plaintiff's damages, defendant's exposure to those damages, and the respective strengths and weaknesses of defendant's position.

3) Each statement shall include a brief overview of the facts and a summary of the party's view of the law as to their theory of liability or defense.

4) Nothing in the way of a jury speech shall be contained in the settlement conference statements.

5) Each statement shall contain an assessment of the economic cost of proceeding to trial, including attorney fees and expenses that have already been incurred and attorney fees and expenses that will be incurred if this case is not settled.

6) Each settlement conference statement also shall contain a statement of counsel's best judgment as to the amount which should be paid or received by his client in a settlement of the case and all other terms and conditions of such a settlement, based on counsel's written evaluation and opinion and after a full discussion of the opinion with the client.

7) The statement shall include the maximum amount the defendant may be willing to pay and the minimum amount the plaintiff may be willing to accept, and any other term upon which each client insists.<sup>2</sup>

8) Each statement shall recount with specificity the settlement discussions between the parties to date.

On October 4, 2010, plaintiff's counsel represented that he would relay a revised settlement demand to the defendant by October 8, 2010. Thereafter, the parties shall engage in any appropriate settlement discussions prior to the settlement conference.

The Clerk is directed to mail a copy of this order to Stephanie Beretis, Esq., Claims Counsel, XL Insurance, 100 Constitution Plaza, 17th Floor, Hartford, CT 06103, and to Susan Feehan, Aon/Albert G. Ruben Insurance Services, Inc., 10880 Wilshire Blvd., #700, Los Angeles, CA 90024, by regular, first class mail and by certified mail.

It is so ORDERED.

  
JULIET GRIFFIN  
United States Magistrate Judge

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<sup>2</sup> Essentially, the parties shall provide their "bottom line." However, the parties should be prepared to negotiate further from these figures during the course of the settlement conference.